

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RHONDA BURNETT, JEROD BREIT,
JEREMY KEEL, HOLLEE ELLIS, and
FRANCES HARVEY, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, REALOGY HOLDINGS
CORP., HOMESERVICES OF AMERICA,
INC., BHH AFFILIATES, LLC, HSF
AFFILIATES, LLC, RE/MAX, LLC, and
KELLER WILLIAMS REALTY, INC.,

Defendants.

Case No: 4:19-cv-00332-SRB

Judge Stephen R. Bough

**DEFENDANT KELLER WILLIAMS REALTY, INC.'S MOTION FOR JUDGMENT AS
A MATTER OF LAW**

Defendant Keller Williams Realty, Inc. (“Keller Williams”) moves the Court for an order granting it judgment as a matter of law under Rule 50(a). Plaintiffs have failed to prove various elements essential to their claim. Because the jury lacks a legally sufficient basis to find for Plaintiffs, judgment as a matter of law should be granted in favor of Keller Williams.

Specifically, judgment as a matter of law is warranted for all the reasons set forth in the HomeServices Defendants’ Motion for Judgment as a Matter of Law and any Motion for Judgment as a Matter of Law filed by the National Association of REALTORS®, both of which Keller Williams joins and incorporates. Additionally—and as explained in the accompanying Suggestions in Support of this Motion—judgment as a matter of law in favor of Keller Williams is proper under Rule 50(a) because there is “no legally sufficient evidentiary basis” on which a

reasonable jury could find that Keller Williams participated in an unlawful agreement actionable under Section 1 of the Sherman Act. Accordingly, the Court should enter judgment as a matter of law in favor of Keller Williams.

Dated: October 25, 2023

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 25, 2023, an electronic copy of the foregoing was filed with the Clerk of the Court by using the CM/ECF system, and service upon all counsel of record will be accomplished by the CM/ECF system.

/s/ David C. Kully
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